

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JORDAN AKERS

v.

KIA MOTORS AMERICA, INC.,
KIA MOTORS CORPORATION, and
JARED SOLIEIU

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CIVIL ACTION NO: 3:17-CV-02888-S
JURY

JOINT SETTLEMENT STATUS REPORT

TO THE HONORABLE COURT:

COME NOW Plaintiff Jordan Akers, Defendants Kia Motors America, Inc. ("KMA") and Kia Motors Corporation ("KMC") (hereinafter collectively referred to as "Kia Defendants"), and Defendant Jared Solieiu by and through undersigned counsel, and pursuant to the Court's Scheduling Order issued on December 11, 2017 (Doc. No. 9), do hereby respectfully file their Joint Settlement Status Report.

STATEMENT OF THE CASE

This case arises out of a vehicle accident that occurred on May 30, 2017, at John Ben Sheppard Parkway and East South Loop 338 in Odessa, Texas. The subject 2007 Blue Kia Optima, driven by Brandie Morgan Black, was traveling south in the inside lane on SL 338, approaching the intersection of John Ben Shephard Parkway and SL 338. Plaintiff Jordan Akers was the right front seat passenger in the Optima. Driver Defendant Solieiu turned left from John Ben Sheppard Parkway onto SL 338 in front of the subject Optima. The Optima ran into the front left quarter of Solieiu's vehicle, causing damage to both vehicles and non-incapacitating injuries to both drivers.

Plaintiff's Contentions:

Plaintiff claims that this is a product liability and negligence case. Plaintiff claims that at the time of the accident, Jordan Akers was properly seated and properly wearing the available seat belt, but that despite being properly seated and properly wearing the available seat belt,

Jordan Akers sustained injuries when the vehicle failed to protect her because it violated several crashworthiness principles. Such as:

- a) The vehicle failed to provide proper restraint;
- b) The vehicle failed to prevent injurious crash forces from injuring the right front passenger;
- c) The vehicle violated principles of crashworthiness;
- d) The vehicle's driver's side airbag deployed but the passenger's did not, even though there's more deformation on the passenger side;
- e) The vehicle failed to provide equal occupant protection;
- f) The vehicle failed to prevent submarining type injuries;
- g) The vehicle's seat failed to prevent submarining type injuries;
- h) The vehicle failed to contain, an effective anti-submarining feature;
- i) The vehicle failed to contain an effective knee bolster; and
- j) The vehicle failed to contain a knee bag like other vehicles sold by Defendants since 1995.

Plaintiff further claims that the Kia Defendants were negligent in the manufacture, assembly, marketing, design, and/or testing of the vehicle in question.

Plaintiff claims that Defendant Solieiu's negligence caused the accident and Plaintiff's injuries. The claimed negligent acts include:

- a) Defendant failed to maintain control of his vehicle;
- b) Defendant failed to obey traffic laws;
- c) Defendant failed to properly steer his vehicle;
- d) Defendant failed to yield the right of way;
- e) Defendant failed to timely apply his brakes;
- f) Defendant violated Texas Transportation Code; and/or
- g) Defendant violated state traffic laws, statutes and regulations.

Kia Defendants' Contentions:

The Kia Defendants deny that they are liable to Plaintiff under any theory of recovery and deny that the subject vehicle was defective in any respect. The Kia Defendants assert that the negligence of Jared Solieiu, Jordan Akers, Brandie Morgan Black, and/or the negligence of others not under the control of the Kia Defendants are the sole, proximate and/or contributory cause of the accident, and that no alleged act or omission of the Kia Defendants was a proximate or producing cause of the occurrence in question or Plaintiff's alleged injuries and damages.

The Kia Defendants contend the subject vehicle complied with all applicable Federal Motor Vehicle Safety Standards ("FMVSS"), and that, pursuant to Section 82.008 of the Texas Civil Practice and Remedies Code, they are entitled to a presumption of no defect.

Defendant Solieiu's Contentions:

Defendant denies that he is liable to Plaintiff under any theory of recovery. Defendant asserts that an intervening or new or independent cause is the sole, proximate and/or contributory cause of the accident, and that no alleged act or omission of Defendant was a proximate or producing cause of the occurrence in question or Plaintiffs' alleged injuries and damages.

STATUS OF SETTLEMENT NEGOTIATIONS

Counsel for Plaintiff, Andrew Counts, counsel for Kia Defendants, Cary Slobin, and counsel for Defendant Solieiu, Alan Moore, have personally discussed this case and its potential for settlement on several occasions at Plaintiff's Counsel's offices. The parties are working on a date for a settlement conference, which will occur before the deadline of April 8, 2019 as set in this Court's Scheduling Order (Doc. No. 9), and will update the Court accordingly.

Submitted this 12th day of March, 2018.

COUNSEL FOR PLAINTIFF:

/s/ ANDREW G. COUNTS
E. Todd Tracy
Texas State Bar No. 20178650
etoddtracy@vehiclesafetyfirm.com
Stewart D. Matthews
Texas State Bar No. 24039042
smatthews@vehiclesafetyfirm.com
Andrew G. Counts
Texas State Bar No. 24036408
accounts@vehiclesafetyfirm.com
The TRACY Firm
4701 Bengal Street
Dallas, Texas 75235
(214) 324-9000 - Phone
(972) 387-2205 – Fax

**COUNSEL FOR DEFENDANTS KIA MOTORS AMERICA,
INC. AND KIA MOTORS CORPORATION:**

/s/ CARY A. SLOBIN

Kurt C. Kern

Texas State Bar No. 11334600

Kurt.kern@bowmanandbrooke.com

Cary A. Slobin

Texas State Bar No. 00797445

cary.slobin@bowmanandbrooke.com

Tanya B. Scarbrough

Texas State Bar No. 24049268

Tanya.scarbrough@bowmanandbrooke.com

Amanda Crawford-Steger

Texas State Bar No. 24105756

Amanda.crawford-steger@bowmanandbrooke.com

BOWMAN AND BROOKE, LLP

5830 Granite Parkway, Suite 1000

Plano, Texas 75024

972-616-1700 (telephone)

972-616-1701 (facsimile)

COUNSEL FOR DEFENDANT JARED SOLIEU:

/s/ ALAN MOORE

MARK J. DYER

State Bar No. 06317500

dyer@mdjwlaw.com

ALAN MOORE

State Bar No. 14320075

amoore@mdjwlaw.com

16000 N. Dallas Parkway; Suite 800

Dallas, Texas 75248

214-420-5500

214-420-5501 (fax)

CERTIFICATE OF SERVICE

This is to certify that on March 12, 2018, a true and correct copy of the above and foregoing was electronically filed using the CM/ECF system, which will send notification of this filing to all counsel of record who are registered to receive such notifications.

/s/ CARY A. SLOBIN